

ASSEMBLY BILL

No. 3038

Introduced by Assembly Member Ruskin

February 24, 2006

An act to amend Sections 14507.5 and 14581 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 3038, as introduced, Ruskin. Public resources: community conservation corps.

(1) Existing law defines a “community conservation corps” as a nonprofit public benefit corporation that satisfies specified requirements including having not less than 50 corpsmembers who are compensated not less than the federal minimum wage law.

This bill would, instead, require the nonprofit public benefit corporation to have an average enrollment of not less than 50 corpsmembers between 18 and 25 years of age who are compensated in accordance with federal and state labor laws. The bill would require a nonprofit public benefit corporation to comply with the specified requirements for a minimum of two years in order to be considered as a community conservation corps.

(2) Existing law requires the Department of Conservation subject to the availability of funds, to annually expend specified amounts from funds in the California Beverage Container Recycling Fund, a continuously appropriated fund, in forms grants to community conservation corps that meet specified criteria, for beverage container litter reduction programs and recycling programs.

This bill would require the department to award grants in equal amounts to community conservation corps, that meet those criteria.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14507.5 of the Public Resources Code
2 is amended to read:
3 14507.5. “Community Conservation Corps” means a
4 nonprofit public benefit corporation formed or operating pursuant
5 to Part 2 (commencing with Section 5110) of Division 2 of Title
6 1 of the Corporations Code, or an agency operated by a city, or
7 city and county, which is certified by the California Conservation
8 Corps as meeting all of the following criteria *for a minimum of*
9 *two years:*
10 (a) (1) The corps consists of *an average annual enrollment of*
11 not less than 50 corpsmembers organized in the form of
12 supervised ~~work crews~~ *service teams* and selects young men and
13 women for participation on the basis of the criteria specified in
14 Section 14302.
15 (2) *For the purpose of determining compliance with this*
16 *subdivision, only corpsmember between 18 and 25 years of age*
17 *shall be counted. Nothing in this paragraph shall preclude*
18 *community conservation corps from offering after-school*
19 *programs, work experience, or educational services to*
20 *corpsmembers of other ages.*
21 (b) The corps’ program is based upon a highly disciplined
22 work experience, includes an educational component, and is
23 designed to develop corpsmembers’ character and civic
24 consciousness through rigorous work on public projects.
25 *Corpsmembers that have not earned their high school diploma*
26 *shall be enrolled in a high school program that may be a charter*
27 *high school.*
28 (c) The corps compensates corpsmembers ~~at not less than the~~
29 ~~federal minimum wage,~~ *in accordance with federal and state*
30 *labor laws* and provides corpsmembers assistance in obtaining
31 permanent employment following their participation in the corps
32 program.
33 (d) The corps engages in recycling and litter abatement
34 projects as well as projects which accomplish the conservationist
35 and other purposes described in subdivisions (a) to (h), inclusive,

1 of Section 14300, and which assist agencies of local government
2 and other nonprofit community organizations in developing,
3 rehabilitating, and restoring parklands, recreational facilities, and
4 other community resources.

5 SEC. 2. Section 14581 of the Public Resources Code is
6 amended to read:

7 14581. (a) Subject to the availability of funds, and pursuant
8 to subdivision (c), the department shall expend the moneys set
9 aside in the fund, pursuant to subdivision (c) of Section 14580,
10 for the purposes of this section:

11 (1) (A) On and after July 1, 2004, to June 30, 2005, inclusive,
12 up to thirty million dollars (\$30,000,000) may be expended for
13 that fiscal year for the payment of handling fees pursuant to
14 Section 14585.

15 (B) For each fiscal year commencing July 1, 2005, twenty-six
16 million five hundred thousand dollars (\$26,500,000) shall be
17 expended each fiscal year for the payment of handling fees
18 required pursuant to Section 14585.

19 (2) Fifteen million dollars (\$15,000,000) shall be expended
20 annually for payments for curbside programs and neighborhood
21 dropoff programs pursuant to Section 14549.6.

22 (3) (A) Fifteen million dollars (\$15,000,000), plus the
23 proportional share of the cost-of-living adjustment, as provided
24 in subdivision (b), shall be expended annually in the form of
25 grants for beverage container litter reduction programs and
26 recycling programs issued *in equal amounts to community*
27 *conservation corps that meet* either of the following:

28 (i) Certified community conservation corps that were in
29 existence on September 30, 1999, ~~or that are formed subsequent~~
30 ~~to that date, that are designated by a city or a city and county to~~
31 ~~perform litter abatement, recycling, and related activities, if the~~
32 ~~city or the city and county has a population, as determined by the~~
33 ~~most recent census, of more than 250,000 persons that meet the~~
34 *criteria of Section 14507.5.*

35 (ii) Community conservation corps that are designated by a
36 county to perform litter abatement, recycling, and related
37 activities, and are certified by the California Conservation Corps
38 as having operated for a minimum of two years ~~and as meeting~~
39 ~~all other~~ *in compliance with the criteria of Section 14507.5.*

1 (B) Any grants provided pursuant to this paragraph shall not
2 comprise more than 75 percent of the annual budget of a
3 community conservation corps.

4 (4) (A) Ten million five hundred thousand dollars
5 (\$10,500,000) may be expended annually for payments of five
6 thousand dollars (\$5,000) to cities and ten thousand dollars
7 (\$10,000) for payments to counties for beverage container
8 recycling and litter cleanup activities, or the department may
9 calculate the payments to counties and cities on a per capita
10 basis, and may pay whichever amount is greater, for those
11 activities.

12 (B) Eligible activities for the use of these funds may include,
13 but are not necessarily limited to, support for new or existing
14 curbside recycling programs, neighborhood dropoff recycling
15 programs, public education promoting beverage container
16 recycling, litter prevention, and cleanup, cooperative regional
17 efforts among two or more cities or counties, or both, or other
18 beverage container recycling programs.

19 (C) These funds may not be used for activities unrelated to
20 beverage container recycling or litter reduction.

21 (D) To receive these funds, a city, county, or city and county
22 shall fill out and return a funding request form to the Department
23 of Conservation. The form shall specify the beverage container
24 recycling or litter reduction activities for which the funds will be
25 used.

26 (E) The Department of Conservation shall annually prepare
27 and distribute a funding request form to each city, county, or city
28 and county. The form shall specify the amount of beverage
29 container recycling and litter cleanup funds for which the
30 jurisdiction is eligible. The form shall not exceed one
31 double-sided page in length, and may be submitted
32 electronically. If a city, county, or city and county does not return
33 the funding request form within 90 days of receipt of the form
34 from the department, the city, county, or city and county is not
35 eligible to receive the funds for that funding cycle.

36 (F) For the purposes of this paragraph, per capita population
37 shall be based on the population of the incorporated area of a city
38 or city and county and the unincorporated area of a county. The
39 department may withhold payment to any city, county, or city
40 and county that has prohibited the siting of a supermarket site,

1 caused a supermarket site to close its business, or adopted a land
2 use policy that restricts or prohibits the siting of a supermarket
3 site within its jurisdiction.

4 (5) One million five hundred thousand dollars (\$1,500,000)
5 may be expended annually in the form of grants for beverage
6 container recycling and litter reduction programs.

7 (6) (A) The department shall expend the amount necessary to
8 pay the processing payment and supplemental processing
9 payment established pursuant to Sections 14575 and 14575.5 and
10 pay processing fee rebates pursuant to Section 14575.2. The
11 department shall establish separate processing fee accounts in the
12 fund for each beverage container material type for which a
13 processing payment and processing fee is calculated pursuant to
14 Section 14575, or for which a processing payment is calculated
15 pursuant to Section 14575 and a voluntary artificial scrap value is
16 calculated pursuant to Section 14575.1, into which account shall
17 be deposited all of the following:

18 (i) All amounts paid as processing fees for each beverage
19 container material type pursuant to Section 14575.

20 (ii) Funds equal to the difference between the amount in clause
21 (i) and the amount of the processing payments established in
22 subdivision (b) of Section 14575, and adjusted pursuant to
23 paragraphs (2) and (3) of subdivision (c) of, and subdivision (f)
24 of, Section 14575, to reduce the processing fee to the level
25 provided in subdivision (f) of Section 14575, or to reflect the
26 agreement by a willing purchaser to pay a voluntary artificial
27 scrap value pursuant to Section 14575.1.

28 (iii) Funds equal to an amount sufficient to pay the total
29 amount of the supplemental processing payments established
30 pursuant to Section 14575.5.

31 (B) Notwithstanding Section 13340 of the Government Code,
32 the money in each processing fee account is hereby continuously
33 appropriated to the department for expenditure without regard to
34 fiscal years, for purposes of making processing payments and
35 supplemental processing payments, and reducing processing fees,
36 pursuant to Sections 14575 and 14575.5 and paying processing
37 fee rebates pursuant to Section 14575.2.

38 (7) Up to five million dollars (\$5,000,000) may be annually
39 expended by the department for the purposes of undertaking a

1 statewide public education and information campaign aimed at
2 promoting increased recycling of beverage containers.

3 (8) Up to three million dollars (\$3,000,000) shall be expended
4 annually for the payment of quality glass incentive payments
5 pursuant to Section 14549.1.

6 (9) Up to ten million dollars (\$10,000,000) may be expended
7 annually by the department, until January 1, 2007, to issue grants
8 for recycling market development and expansion-related
9 activities aimed at increasing the recycling of beverage
10 containers, including, but not limited to, the following:

11 (A) Research and development of collecting, sorting,
12 processing, cleaning, or otherwise upgrading the market value of
13 recycled beverage containers.

14 (B) Identification, development, and expansion of markets for
15 recycled beverage containers.

16 (C) Research and development for products manufactured
17 using recycled beverage containers.

18 (D) Payments to California manufacturers who recycle
19 beverage containers that are marked by resin type identification
20 code “3,” “4,” “5,” “6,” or “7,” pursuant to Section 18015.

21 (10) Up to ten million dollars (\$10,000,000) may be
22 transferred on a one-time basis by the department to the
23 Recycling Infrastructure Loan Guarantee Account, for
24 expenditure pursuant to Section 14582.

25 (b) The fifteen million dollars (\$15,000,000) that is set aside
26 pursuant to paragraph (3) of subdivision (a) is a base amount that
27 the department shall adjust annually to reflect any increases or
28 decreases in the cost of living, as measured by the Department of
29 Labor, or a successor agency, of the federal government.

30 (c) (1) The department shall review all funds on a quarterly
31 basis to ensure that there are adequate funds to make the
32 payments specified in this section and the processing fee
33 reductions required pursuant to Section 14575.

34 (2) If the department determines, pursuant to a review made
35 pursuant to paragraph (1), that there may be inadequate funds to
36 pay the payments required by this section and the processing fee
37 reductions required pursuant to Section 14575, the department
38 shall immediately notify the appropriate policy and fiscal
39 committees of the Legislature regarding the inadequacy.

1 (3) On or before 180 days after the notice is sent pursuant to
2 paragraph (2), the department may reduce or eliminate
3 expenditures, or both, from the funds as necessary, according to
4 the procedure set forth in subdivision (d).

5 (d) If the department determines that there are insufficient
6 funds to make the payments specified pursuant to this section and
7 Section 14575, the department shall reduce all payments
8 proportionally.

9 (e) Prior to making an expenditure pursuant to paragraph (7)
10 of subdivision (a), the department shall convene an advisory
11 committee consisting of representatives of the beverage industry,
12 beverage container manufacturers, environmental organizations,
13 the recycling industry, nonprofit organizations, and retailers, to
14 advise the department on the most cost-effective and efficient
15 method of the expenditure of the funds for that education and
16 information campaign.